

CC TO JUDGE DJ

FILED _____ ENTERED _____
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JUN 1 2011 DJ

AT SEATTLE
CLERK U.S. DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON

11-CV-00872-DECL

UNITED STATES DISTRICT COURT

for the

WESTERN DISTRICT OF WASHINGTON

AT SEATTLE

DEBORAH R. BEATON,
Plaintiff,

v.

JPMORGAN CHASE BANK N.A.,
NORTHWEST TRUSTEE
SERVICES, INC.,

Defendants.

CASE NO.: 11-CV-872 RAJ

VERIFIED AMENDED
MOTION FOR TEMPORARY
RETRAINING ORDER (TRO)

EMERGENCY/ EX PARTE

Plaintiff DEBORAH R. BEATON motions this Honorable Court to issue a temporary
restraining order in support therefore states:

JURISDICTIONAL ALLEGATIONS

1. This is an action for the equitable remedy for temporary restraining order.
2. Petitioner resides in King County, Washington.
3. The threatened harm to be enjoined is threatened to be imposed in King County, Washington.
4. Defendant, NORTHWEST TRUSTEE SERVICES, INC., has received service of the summons, complaint, motion for temporary restraining order, motion for preliminary

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restraining order, affidavit of hardship and injury via the registered agent Jeff Stenman; and,

5. JPMORGAN CHASE BANK N.A. whose address is 270 Park Avenue, New York, NY 10017 has been served the summons, complaint, motion for temporary restraining order, motion for preliminary restraining order, affidavit of hardship and injury.

6. The subject Property is located in King County, Washington.

7. This Honorable Court has Jurisdiction.

FACTUAL ALLEGATIONS

8. Defendant, NORTHWEST TRUSTEE SERVICES, INC. has scheduled a Trustee's Sale of the subject Property (File No. 7763.28416) for June 3, 2011 due to an alleged default of an alleged loan obligation, both of which the plaintiff disputes.

9. The residential property the subject of this action (hereafter the "Property") is located at 22650 24th Ave S, Des Moines, WA 98198 in King County, Washington (APN: 162204-9155) and is legally described as:

W 182 FT OF E 342 FT OF S 1/2 OF SW 1/4 OF NW 1/4 OF NE 1/4 LESS S 140 FT
& N 20 FT OF S 160 FT OF S 1/2 OF SW 1/4 OF NW 1/4 OF NE 1/4 LY E OF
24TH PL S LESS E 342 FT LESS N 75 FT.

10. Defendant(s) have produced no valid enforceable perfected security interest in the subject Property.

11. The defendant's alleged default is in dispute and unproven.

12. The threatened harm to plaintiff outweighs any substantial harm to the Respondents.

13. Plaintiff would be irreparably harmed and be permanently and wrongfully deprived of possession of the subject Property if the trustee sale (File No. 7763.28416) scheduled for June 3, 2011 is not restrained.

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1 14. The relief requested by plaintiff is in the public interest.

2 15. There is substantial likelihood that none of the defendants have an enforceable security
3 interest in the subject Property, that a default will not be a proven, that no loan was
4 ever performed; and, therefore there is substantial likelihood that a judgment will be
5 entered that no defendants are entitled to payment of a loan or have standing to
6 foreclose.
7

8 1. Plaintiff requests that the Court take judicial notice that Defendant JPMORGAN CHASE
9 BANK N.A. stipulated to a voluntary consent order Consent Order No. AA-EC-11-15 filed
10 with THE OFFICE OF THE COMPTROLLER OF THE CURRENCY (OCC) stating
11 JPMORGAN CHASE BANK N.A. (page 3 (c)) litigated foreclosure proceedings and
12 initiated non-judicial foreclosure proceedings without always ensuring that either the
13 promissory note or the mortgage document were properly endorsed or assigned and, if
14 necessary, in the possession of the appropriate party at the appropriate time" pursuant to
15 voluntary Consent Orders filed with the OCC (see Exhibit "E" of complaint).
16

17 16. A Temporary Restraining Order is necessary to protect plaintiff from the threatened
18 harm.
19

20 **RELIEF REQUESTED**

21 WHEREFORE Plaintiff DEBORAH R. BEATON, moves the Honorable Court to enter a
22 Temporary Restraining Order enjoining all respondents/defendants and specifically
23 NORTHWEST TRUSTEE SERVICES, INC. from selling the subject Property and granting such
24 other and further relief as the circumstances may warrant until further notice of the Court.
25

26 UNDER PENALTIES OF PERJURY, I affirm that the facts alleged in the foregoing are true

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1 and correct according to my own personal knowledge.

2 Date: May 31, 2011. VERIFICATION

3 Plaintiff: DEBORAH R. BEATON, Plaintiff

4 Signature: *[Handwritten Signature]*

5
6 JURAT

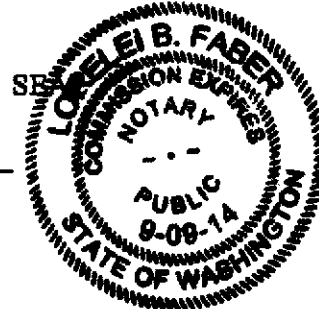
7 I, the undersigned Notary Public, certify that I know or have satisfactory evidence that Plaintiff
8 DEBORAH R. BEATON appeared before me, and executed this Motion as her sworn statement as a
9 free and voluntary act of her own will under penalty of perjury.

10 I certify under PENALTY OF PERJURY under the laws of the State of Washington, County of
11 King that the foregoing paragraph is true and correct.

12 DATED: May 31, 2011

13 *Lorelei B. Faber*
Notary Public

14 My appointment expires 9-9-2011



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